

Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and section 353.22 of the Department's regulations.

Dated: December 8, 1997.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 97-32690 Filed 12-12-97; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-475-818]

Initiation of Anti-Circumvention Inquiry on Antidumping Duty Order on Certain Pasta From Italy

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of initiation of anti-circumvention inquiry.

SUMMARY: On the basis of an application filed with the Department of Commerce, we are initiating an anti-circumvention inquiry to determine whether an Italian producer of pasta is circumventing the antidumping duty order on certain pasta from Italy issued July 24, 1996.

EFFECTIVE DATE: December 15, 1997.

FOR FURTHER INFORMATION CONTACT: Edward Easton or John Brinkmann, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230; telephone: (202) 482-1777 or (202) 482-5288, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 23, 1997, the Department of Commerce ("the Department") received an application filed by the petitioners in the above-referenced case, requesting that the Department conduct an anti-circumvention investigation, pursuant to section 781(a) of the Tariff Act of 1930, as amended ("the Act"), with respect to the antidumping duty order on certain pasta from Italy ("the order") issued July 24, 1996 (61 FR 38547). The petitioners allege that Barilla S.r.L. ("Barilla") is circumventing the order by importing pasta into the United States in bulk, defined as packages of greater than five pounds (2.27 kilograms), and repackaging the pasta into packages of

five pounds or less for resale in the United States. Inasmuch as the scope of the order covers only pasta in packages of five pounds or less, the petitioners claim that Barilla's repackaging operations in the United States have allowed it to import pasta into the United States free of any antidumping duties. The petitioners assert that all the elements necessary for an affirmative determination under Section 781(a) of the Act are present.

On November 19, 1997, Barilla filed comments replying to the petitioners' circumvention allegations. On December 2, 1997, petitioners filed comments in response to Barilla's November 19, 1997 submission. Barilla rebutted the petitioners' December 2, 1997 comments in a submission filed December 3, 1997.

Initiation of Anti-Circumvention Proceeding

In accordance with section 781(a) of the Act, the Department may include merchandise completed or assembled in the United States within the scope of an existing order when the following four conditions are met: (A) The merchandise sold in the United States is of the same class or kind as any other merchandise that is the subject to the antidumping duty order; (B) such merchandise sold in the United States is completed or assembled in the United States from parts or components produced in the foreign country with respect to which such order applies; (C) the process of assembly or completion in the United States is minor or insignificant; and (D) the value of the parts or components produced in the foreign country to which the antidumping duty order applies is a significant portion of the total value of the merchandise sold in the United States.

In determining whether to include parts or components in the order, the Act states at section 781(a)(3) that the Department must take into account: (1) the pattern of trade, including sourcing patterns; (2) whether the manufacturer or exporter of the parts or components is affiliated with the person who assembles or completes the merchandise sold in the United States; and (3) whether imports into the United States of the parts or components produced in such foreign country have increased after the initiation of the investigation which resulted in the issuance of such order or finding.

Based upon our review of the foregoing allegations and supporting information submitted in the application and in Barilla's submission, and with respect to the preceding

criteria, we find that the application contains all of the elements that warrant an anti-circumvention inquiry (see, December 8, 1997 Memorandum from Richard Moreland to Robert S. LaRussa). Therefore, we are initiating an anti-circumvention inquiry concerning the antidumping duty order on pasta from Italy pursuant to section 781(a) of the Act and 19 CFR 351.225 of the Department's regulations.

We intend to notify the International Trade Commission ("ITC") in the event of an affirmative preliminary determination of circumvention, in accordance with 19 CFR 351.225(f)(7).

The Department will not order the suspension of liquidation at this time. However, in accordance with 19 CFR 351.225(l)(2), the Department will instruct the U.S. Customs Service to suspend liquidation in the event of an affirmative preliminary determination of circumvention.

This notice is issued pursuant to section 781 of the Act (19 U.S.C. 1677j) and 19 CFR 351.225.

Dated: December 8, 1997.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 97-32629 Filed 12-12-97; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-475-818]

Certain Pasta From Italy; Notice of Court Decision

AGENCY: International Trade Administration, Import Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: On October 2, 1997, in the case of *De Cecco et al. v. United States et al.*, Slip Op. 97-143 ("De Cecco"), the United States Court of International Trade (the CIT) granted plaintiffs' and plaintiff-intervenors' motions for judgment with respect to the extension by the United States Department of Commerce ("Department") of provisional antidumping measures for the period May 19, 1996 through July 24, 1996. On October 23, 1997, the CIT ordered the Department to issue appropriate instructions to the U.S. Customs Service to implement its October 2, 1997, decision to grant judgment to plaintiffs and plaintiff-intervenors.

EFFECTIVE DATE: November 3, 1997.

FOR FURTHER INFORMATION CONTACT: Edward Easton or John Brinkmann, at